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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,107	06/08/2001	Tomohiro Kita	209178US2	8501
22850	7590	07/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,107

Applicant(s)

KITA, TOMOHIRO

Examiner

Robert W. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/01, 7/9/03, & 6/15/04</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(B) as being anticipated by Suzuki (U.S. Patent No.: 4,868,811).

Referring to claim 1, Suzuki teaches: A satellite communication system per col. 3 line 65 or per Fig 1 which establishes and releases a communication channels for multiple access per col. 2 lines 60-67. The network control unit per Fig 1 or specific earth station performs or controls the communication channel per Fig 2 in which Communication Units A-N or a plurality of earth stations are connected via a common signaling channel per Fig 2 via the satellite per Fig 1. One of the communication units or calling earth stations per Fig 1 requests establishment of a communication channel or demands via the common signaling channel or communication line to establish communication with another communication unit shown in Fig 2. The network control unit or specific earth station assigns a communication channel or communication line in response to parameters being sent over the common signal channel in order to establish or demand assignment of a communicating channel as well as release a communication channel or line per col. 2 line 55-col. 3 line 23. The common signaling channel is always available to the communication units without need for assignment as shown in Fig 1. Parameters or data are sent on the common signaling channel in order to get a communication channel or line established.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. Patent No.: 4,868,811).

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Referring to claim 2, Suzuki teaches: The satellite communication system according to claim 1, Suzuki does not expressly call for: wherein said plurality of other earth stations are provided with transmission band selection means for selecting a transmission bandwidth of said common signal channel line depending on data quality to be transmitted from said earth stations but teaches that the common signal channel is utilized for sending transmission parameters per col. 3 lines 18-23 and shows multiple frequency bands per Fig 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for band selection so that communication between another pair of communicating units is on a different band and does not interfere.

Referring to claim 3, Suzuki teaches: The satellite communication system according to claim 1, Suzuki does not expressly call for: wherein said plurality of other earth stations are provided with time slot selection means for selecting a plurality of continuous or discontinuous TDMA slots of said common signal channel line depending on data quality to be transmitted from said earth stations but teaches that the common signal channel is utilized for sending transmission parameters per col. 3 lines 18-23 and shows multiple time slots per Fig 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for time slot selection so communication between communicating units is on another time slot and does not interfere with communications between another pairs communicating units.

Referring to claim 4, Suzuki teaches: The satellite communication system according to claim 1, Suzuki does not expressly call for: wherein said plurality of other earth stations are provided with both transmission band selection means for selecting a transmission bandwidth of the common signal channel line depending on data quality to be transmitted from said earth stations , and time slot selection means for selecting a plurality of continuous or discontinuous TDMA slots of said common signal channel line depending on the data quantity to be transmitted from said earth stations but teaches that the common signal channel is utilized for sending transmission parameters per col. 3 lines 18-23 and shows frequency bands and multiple time slots per Fig 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for frequency band and time slot selection so communication between communicating units in on different combination of time slots and frequency bands and does not interfere with other communications between other communicating units

Referring to claim 5, Suzuki teaches: The satellite communication system according to claim 1, wherein in case of transmitting data to said specific earth station, said plurality of other earth stations demand transmission bandwidth and TDMA slots of the common signal channel line necessary for data transmission from said specific earth station and said specific earth station assigns a transmission bandwidth and TDMA slots of said common signal channel line to the calling earth station to serve as exclusive communication per col. 3 lines 18-23 and shows frequency bands and multiple time slots per Fig 2. Suzuki does not expressly call for: exclusive but teaches that the common signal channel is utilized for sending transmission parameters per col. 3 lines 18-23 and shows frequency bands and multiple time slots per Fig 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide exclusive

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communicating channel or line between communicating units so that communication between communicating units does not interfere.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 1, the specification describes a hub but does provide adequate written description for limitation that a specific earth station performs the function of the hub. The specification describes a common signal channel for assignment and controlling per Fig 5 and per Pg 2 line 15-Pg 2 line 13 in the prior art section and also describes the CSC lines in the summary of the invention per Fig 2 and per Pg 7 line 10-Pg 8 line 30 but does not provide adequate written description for the limitation "the satellite communication system being characterized in that said common signal channel line is used for transmission of data without said communication line assignment".

Referring to claim 5, the specification does not provide adequate written description for the limitation "said common signal channel line to the calling earth station to serve as exclusive communication line for said calling earth station".

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of a different frequency band selection though described on Pg 12 lines 13-15 is not shown in Fig 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Drawings

7. The drawings 1-2 & 5-68 are objected because of the following:

Referring to drawings 1-2 & 5-6, elemental numbers are provided without names. Elemental names need to be added to the corresponding element numbers. Referring to Fig 7, The elemental number 31 and name conventional hub station is missing. Referring to Fig 8 the elemental number 32 and remote station name is also missing . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

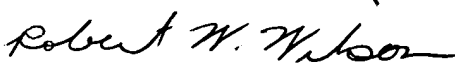
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert W Wilson
Examiner
Art Unit 2661

RWW
6/29/05


BOB PHUNKULH
PRIMARY EXAMINER